

REMARKS

Initially, Applicant thanks the Examiner for indicating that the drawings filed on August 23, 2001 have been accepted. Applicant notes, however, that the Examiner has not acknowledged receipt of the priority documents or considered the references listed in the Information Disclosure Statement submitted to the PTO on September 27, 2001. Accordingly, Applicant respectfully requests that the Examiner acknowledge receipt of the certified copies of the priority documents and consider the references listed in the IDS submitted on September 27, 2001, in the next Office Action.

Claims 1-21 are all the claims pending in this application. Claim 1 is the only independent claim. At the outset, Applicant has amended claim 1 to clarify that the line connection reconfiguration means sets-up and reconfigures connections from the line processing means either "back to said line processing means or to said output lines." (See amended claim 1). Applicant submits that this amendment is merely for clarification, does not narrow the scope of claim 1, and is not made in view of the prior art. Further, Applicant has amended claim 12 to delete "10" which is a typo. This amendment does not narrow the scope of claim 12 and is merely editorial in nature.

Claims 1-3 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McMillen (U.S. Patent No. 5,321,813). Additionally, claims 1-3, 15-18, 20 and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ramaswami (U.S. Patent No. 6,650,803).

The Examiner has also rejected claims 6-9 under 35 U.S.C. § 103(a) as being unpatentable over McMillen only. The Examiner has also indicated that claims 6-9 stand

rejected under 35 U.S.C. § 103(a) as being unpatentable over McMillen, in view of Macera (U.S. Patent No. 5,490,252). Further, claims 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McMillen, in view of Lauder (US 2002/013585 A1). Finally, claims 14 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ramaswami, in view of Ikoma (US 2002/0097460 A1). As set out more fully below, Applicant traverses these rejections.

A. Claims 1-3 and 17 (§ 102(b), McMillen)

Independent claim 1 recites, among other things, line processing equipment comprising (1) at least one line processing means and (2) line connection reconfiguration means. The line connection configuration means sets up and reconfigures (A) connections from input lines to either (i) the line processing means or (ii) output lines and (B) connections from the line processing means either (i) back to the line processing means or (ii) to the output lines.

The Examiner asserts that McMillen discloses all these elements. In particular, the Examiner asserts that Fig. 1A discloses claim 1's "at least one line processing means." However, Figs. 1A and 1B illustrate all of the components of McMillen's invention. (Col. 3, lines 65-68). Applicant respectfully submits that because the Examiner has not referenced any specific element contained in Fig. 1A of McMillen, and the entire figure cannot possibly be considered a line processing means as recited in claim 1, the Examiner has failed to meet the burden of proof with respect to anticipation.

The Examiner also asserts that claim 1's line connection reconfiguration means is disclosed in Fig. 6A at reference numeral 1. However, there is no reference numeral 1 in Fig.

6A. Instead, reference numeral 16 of Fig. 6A contains a label “#1.” Further, reference numeral 16 refers to an 8 x 8 switch node. (Col. 7, lines 10-16).

Switch nodes 16 is not a line connection reconfiguration means, as recited in claim 1. Switch nodes 16 provide for a plurality of possible interconnection paths from a sending processor module 12 to a set (one or more) of receiving processor modules 12. (Col. 6, lines 14-17). Accordingly, there is no disclosure, teaching or suggestion in McMillen that switch nodes 16 provide for a connection from a line processing means either (i) back to the line processing means or (ii) to the output lines. In addition, since switch nodes 16 are only concerned with interconnections between sending and receiving processor modules 12, there is no disclosure, teaching or suggestion in McMillen for claim 1’s input lines or output lines.

As a final matter, the Examiner improperly asserts that reference numeral 12 of Fig. 1A represents “input lines,” “output lines,” and “other line processing means.” Reference numeral 12 refers to a processor module. Accordingly, this single element does not describe or suggest claim 1’s input lines, output lines or line processing means.

Given the above, Applicant respectfully submits that the Examiner has failed to prove that McMillen anticipates independent claim 1. Since claims 2, 3 and 17 depend from independent claim 1, these claims remain patentable over McMillen for the same reasons.

B. Claims 1-3, 15-18, 20 and 21 (§ 102(e), Ramaswami)

The Examiner asserts that Ramaswami also discloses all the elements of independent claim 1. Specifically, the Examiner asserts that the first processing unit 710 (Fig. 11) discloses

the line processing means element of independent claim 1. Further, the Examiner asserts that first optical switch core 240 (Fig. 12) discloses the line connection reconfiguration means element of independent claim 1. Applicant respectfully disagrees.

First processing unit 710 is an element of servo module 225. Servo module 225 does not play any part in “processing” signals carried along optical path 800. Instead, servo module 225 merely establishes and maintains optical path 800 for light signals by controlling the physical orientation of the mirror of the optical switch matrix that corresponds to the source I/O module 215. (Col. 12, lines 23-35). That is, even if the first optical switch core 240 discloses a line connection reconfiguration means, the connections set up and reconfigured by first optical switch core 240 are not connections coming from or going to servo module 225.

Simply put, servo module 225 and first optical switch core 240 of Ramaswami do not operate on the same types of, or related, “connections” as recited in independent claim 1. Accordingly, with respect to Ramaswami, Applicant respectfully submits that the Examiner has failed to prove anticipation of independent claim 1. For the same reasons, claims 2, 3, 15-18, 20 and 21 remain patentable.

C. Remaining § 103(a) rejections of claims 4-6, 9-14 and 19

The remaining § 103(a) rejections of claims 4-6, 9-14 and 19 rely on the combination of either McMillen or Ramaswami with other references. Neither McMillen nor Ramaswami contain all of the elements recited in independent claim 1. Since the additional references cited by the Examiner do not supply, or even address, the elements missing from McMillen and

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/934,579

Q65960

Ramaswami, and the Examiner has not argued otherwise, dependent claims 4-6, 9-14 and 19 remain patentable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Eric P. Halber
Registration No. 46,378

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 13, 2004